

# CLASS ACTION MOTION

## Declaration of Inmate Filing

UNITED STATES FOR THE DISTRICT OF RHODE ISLAND

Hasim Munir ; Gregory Hampton  
and others

✓  
Rhode Island Superior Court

**RECEIVED**

JAN 21 2022

U.S. DISTRICT COURT  
DISTRICT OF R.I.  
Case NO \_\_\_\_\_

I am a Inmate in ACI Maximum Security Cranston Rhode Island (First Circuit) by a Unconstitutional Instrument (Indictment) pursuant to Article 3 Section 2. [2] and Johnson v Superior Court of San Joaquin County 15 Cal 3d 248, 539 P.2d 792 (Exculpatory evidence Negating guilt must be presented to State Grand Juries) (U.S. CONST FIFTH AMEND) see Brady vs Maryland 373 U.S. 83

Today \_\_\_\_\_ I am depositing the following documents AS FACT Class Action Motion Page 42 filed by Class member #1 & Class member #2 42 pages

in this Class Action suit and has been sent by mail system First Class postage is being prepaid by me through the institution on my behalf

I declare under penalty of perjury that the foregoing is true and correct by documentation (see 28 U.S.C. § 1746; 18 U.S.C. § 1621)

Sign your name [Signature]

Date \_\_\_\_\_

Sign your name [Signature]

Date \_\_\_\_\_

Hasim Munir, Gregory Hampton-Boyd, & others  
 Plaintiff class members

[PLAINTIFF(S)]

CASE NO. \_\_\_\_\_

V S

The Rhode Island Superior Court Corporation

[DEFENDANT(S)]

Disenfranchising Class Member from 4th/5th Amendment Guarantees

NOW COMES PLAINTIFF(S) class member (Men of Color) pursuant to Federal Rule of Civil Procedure 28 § 1711(3)(5)(6) Class Action Against Rhode Island Superior Court Corp. in clear Civil Rights violation of V.S.C.A. 18 § 242 Depriving Plaintiff(s) from Historical Constitutional function of GRAND JURORS "Shield" to protect against overzealous government Fifth Amendment Clause requires. Attorney General's are deceiving the Grand Jurors "Informed" and "Independent" Petit Jury process to maliciously influence their vote rendering Indictments Invalid on its face.

For Decades Rhode Island Attorney General Department have manipulated their BURDEN OF PROOF according to R.I.G.L. burden of proof CORPUS DELICTI STANDARD of a Jurist Oath suppressing favorable Brady Material from jurors. see BRADY V MARYLAND 373 U.S. 83

These defendants in Capital Offense are not College educated, so not knowing what constitutes a fair GRAND JURY PROCEEDING that gives the State legal right to hold Plaintiff to TRIAL. Class members are also Constitutionally deprived of being protect from Illegal "Unreasonable seizure" (4th Amend) the Superior Court Adopts Attorney General ideals that to be a "MAN OF COLOR" is to be GUILTY with REAL Independent evidence. Indictments are legally VOID and the CONVICTION is a ILLEGAL violation of 18 § 242, hence this civil Action.

CERTIFICATION

I hereby certify that I have delivered to Rhode Island Superior Court Corp. 250 Benefit Street Providence, RI 02903 AND U.S. District Court of First Circuit Exchange Terrace Providence, RI 02903; also Rhode Island Attorney General Department 150 South Main Street Providence, RI 02903

## Claims of Plaintiff Class members

Rhode Island Superior Court Corporation has no Remedy For Flagrant Prosecutorial misconduct that obviously is UNCONSTITUTIONAL by Article 3 Sec 2 caselaw U.S. Supreme Court. Innocence Protection or Reasonable doubt does not exist in Rhode Island Courts when a "man of Color" faces a Capital Offense. (CRUX 1)

These class members facing serious Capital/Felonious offense are "targets" whom are deprived of 188242 Constitutional Grand Jury in Rhode Island Superior Court proceeding. It's vital everyone can challenge the veracity (truth) of A Fifth Amendment Guarantee that Granted a 95% white state Government subject matter jurisdiction to hold TRIAL. 5th Amendment

Rhode Island Superior Court purposely lack a sufficient R.I.G.L., Rule, procedure, or clear Constitutional case law to Collateral Attack invalid Unconstitutional Indictments in every criminal stage.

Trial Convictions are rested upon Unconstitutional Attorney General Blatant Malicious misconduct anything not Constitution has no power to compel performance. see United States v Davis U.S. Supreme Court (2019)

The class members are illegally Imprisoned under Unconstitutional Indictments by deceptive Prosecutorial misconduct while suppressing favorable evidence against the class members in the Civil Action. see BRADY vs MARYLAND 373 U.S. 83

Critical evidence tending to negate guilt such as DNA Results; false incriminating testimony; fabricating false testimony; changed coerced testimony; two different identification testimony's; financial compensation to witnesses; financial compensation to Accused victim; confining & Impeachable prior testimony; Criminal charging function compensation; vouching for witnesses credibility; and ect to Impair the Independent function of GRAND JURORS influencing the vote. States Attorney never allow legal case law pursuant Article 3 Sec 2 "fact" and "law" depriving these class member of Brady material vital to both Trial and Grand Jurors. see Brady vs Maryland 373 U.S. 83

[CRUX 1] A class Action is A important valuable part of the legal system to permit FAIR and EFFICIENT resolution of legitimate claims Constitutionally asserted by numerous parties as one single Action against a Defendant. No protection is available for redress, relief, recourse, or Constitutional Correction in Rhode Island to Guaranteed Federal LAWS.

(ii)

CONSTITUTIONAL FEDERAL LAW

Innocence Protection is a legal form of Guaranteed Rights (certain) that cannot be disparage or deny by Rhode Island Courts, it also protects Reasonable Doubt at Trial. When Reasonable doubt and Innocence Protection has been corrupted then UNCONSTITUTIONAL LAW suffers to a system of state practiced procedure.

U.S. CONSTITUTIONAL

Article 4 Sec 2 states "Privileges of citizens of each state shall be entitled to all Privileges and Immunities of citizens in the several states"

Article 3 Section 2 "The U.S. Supreme Court shall have Appellate jurisdiction both as to "LAW" and "FACT"."

Article I Sec 9 "The privilege of the Writ of Habeas Corpus shall not be suspended"

Ninth Amendment protects class members from Certain Rights being Denied or effect of those rights being dictated by State Courts to Access the full exercise of that Guarantee in Judicial Court of law.

The Critical evidence withheld from Rhode Island Grand Jurors the people violates Federal Constitutional Guarantees Protections Impairing Jurors integrity to Influence Independent vote of Grand Jurors Function (FIFTH AMENDMENT)

Rhode Island Superior Court Attorney General directly go against U.S. Supreme Courts Ruling (Constitutionality) in Brady vs Maryland 373 U.S. 83, United States v Dionisio 351 U.S. 201, Husted v United States Rulings, legal language, and Constitutional decisions that control Appellate "FACT" and "LAW" in Inferior Courts, (STARE DECISIS)

High Profile Rhode Island Court cases are founded under UNCONSTITUTIONAL INDICTMENTS violating Article 3 Sec 2 and Supremacy Clause.

SUPREME COURT OF THE UNITED STATES RULED IN BRADY VS MARYLAND 373 U.S. 83 that "exculpatory evidence that negates guilt should be disclosed to defense in a timely manner," Johnson v San Joaquin County also states California 939.7 Penal Code goes parallel to the U.S. Supreme Court as a state remedy for prosecutorial misconduct. Golden Gate Killer A retired police officer was caught, prosecuted, tried and convicted from DNA technologies of this present time responsible for multiple murder, DNA is the most important fact in Criminal Justice.

UNRECORDED MALICIOUS PROSECUTORIAL MISCONDUCT

Rhode Island Attorney General Department for Decades have procedurally Impaired class members Grand Jury Proceedings with false fabricated evidence of incrimination while suppressing favorable evidence to negate guilt. Men of Color are illegally seized by "RUBBER STAMP" Warrants, for Capital offenses with Police department having NO Independent forensic evidence that is Probable Cause for Arrest or Indictment.

Superior Court Justice's being former Prosecutors are well aware of this Malicious Prosecutorial misconduct they invite it as long as it deprives MEN OF COLOR from a CONSTITUTIONAL "INFORMER" and "INDEPENDANT" State GRAND JURY. (5th Amendment)

Rhode Island Supreme Court Justice's refuse to recognize Article 3 Sec 2 case law that Constitutionally helps class members Access relief as a Appellate Jurisdict to "LAW" and "FACT" of Cases in states. see Brady vs Maryland 373 U.S. 83; Johnson v Superior Court of San Joaquin County 15 Cal 3d, 248; United States vs Provenzano 440 F.Supp 561 and their progenies as "LAW of the Land" (Article 3 Sec 2)

Legally the state has no power to hold one to answer for a Capital without a Constitutional Indictments challenging the Conviction falls within Fifth Amendment Clause's Guarantee. Held without Bail Conviction force class members to retain a court Appointed State of Rhode Island paid Attorney who's interest is firmly in conviction of these class members not liberty, fairness, law, or access to Constitutional Guarantees.

Collateral Estoppel Attack for relief has not been created in R.I.G.L for a Superior Court Rules and Criminal Procedure to challenge UNCONSTITUTIONAL and Defective Indictments at Anytime like California and Massachusetts (Cal Penal Code 939.7). (Myfield Test Massachusetts Commonwealth)

STATES ATTORNEY never meets the burden of proof to R.I.G.L. Statutes the fabricated misconduct at the Grand Jury repeating in the Trial / Juror from Unchecked Misconduct. Massachusetts & California has legal Laws to combat Against such misconduct, to collateral Attack to misconduct occurring at Indictment or Trial stage.

# UNRECORDED MASONIC PROSECUTORIAL MISCONDUCT

Rhode Island Judicial officers take away from MEN OF COLOR the Protection of Innocence which does not exist even in the States Highest Court. (R.I. Supreme Court) Segregated V.S. Constitution

Segregation of V.S. Constitutional Rights by federally funded State entities directly violates Civil Rights Act 1964 and fabrication of evidence is a Felonious offense by U.S. Justice Department Standard Civil Rights division.

In Rhode Island Superior Court overwhelmingly MEN OF COLOR are targeted classes from Active members of "whites only" masonic Lodges. (Judicial Officers) (Justices) (Directors)

A Segregated religious club that extends to Ancient Order of Hibernians; Providence Fraternal Order of Police; Sons of Irish Kings; Holy Name Society; Rotary Club; LIONS CLUB; Knights of Columbus; Daughters of Isabella (Warwick chapter); Circle 423; FOPA Lodge 13; Rhode Island Shriners; Rhode Island Masons; Knights of Templars (prepare for civil war); And ELK's Clubs, American Legion Clubs (Segregating Veterans by RACE)

These members oddly hold high positions in every Realm of Rhode Island Government, Judicial, and Law Enforcement leading to Unconstitutional Imprisonment, Indictments, convictions, plea bargains, and legal Practice.

Segregating Men of Color's Access to Constitutional Guarantee's while protecting their masonic brothers and sisters (white members only) from correcting or disciplining the misconduct by ABA Standards.

Depriving a man of Color proper redress/relief to challenge the subject matter jurisdiction obtained at the State Grand Jury Proceeding. A true Bill is just that true upon its face, anything else will distort Constitutional Protection of Innocence.

UNCHECKED VICIOUS PROSECUTORIAL MISCONDUCT

Rhode Islands Superior Court's Ideals are stuck in the past when their MASONIC racist predecessors claim AMERICA WAS GREAT DURING Segregation Jim Crow LAWS. They practice law that completely removed a trace or inference of Innocence protection and Reasonable doubt at trial with vicious prosecutorial misconduct.

Constantly violating class member Constitutional Grand Jury Clause Rights and Access to properly "Informed" Grand Jurors to all favorable material to make a "Independant" vote to be a "shield". Rhode Island Attorney General's only disclose before the Grand Juror a class member who is guilty to manipulate the "sword" function of petit jurors. (Overzealous Government)

TAKE AWAY Innocence protection for the "shield" of the Jurors, giving information that is incriminating then their only function is the "sword". Indictments granted by Rhode Islanders (the people) give States Attorney power to subject-matter and jurisdiction to bring a suspect to TRIAL. Rhode Island Superior Court & Supreme Court have NO R.I.G.L. Rule, or Court Procedure that reviews the veracity of a Indictment Proceeding to correct Constitutional Guarantees in the 4th and 5th Amendment Applying to Indictments.

Plaintiff(s) Indictments from two original class members Munir and Hampton-Boyd will prove by documentation KNOWN Criminal fabrication of evidence, KNOWN perjury, false testimony and more to infer guilt. UNCONSTITUTIONALITY OF THE INDICTMENTS ARE "VOID AB INITIO" by a writ

Rhode Island Discipline Board arrogantly replies to "MEN OF COLOR" who file Complaints against fatal prosecutorial misconduct that UNCONVICTIONALLY obtain Indictment by misconduct. Their Oath of Office means nothing compared to Lodge & Club oath with their all white member only, practicing discriminatory practices just like they do in their lodge memberships in Rhode Island Courts. History of Masonic lodges is rooted deeply in Klu Klux Klan activity and white supremacy groups. (5)

ALTRUISTIC CONSTITUTIONAL GUARANTEES

Each cell in our bodies are inherently egoistical but ~~to~~ exist it must relinquish it's egoistic tendencies for the sake of the body's well-being. The reward for that cell is that it experiences not only its own existence, but the life of the whole body. The U.S. Constitution was Federally developed in a similar connection to each citizen of the Republic with Inalienable reserved rights as sovereigns. (LAW OF NATURE) (LAW OF CREATION) (LAW OF COMMON LAW)

Any Act or intention that comes from a need to connect humanity into a single entity is considered Altruistic. Conversely any act or intention that is not focused on uniting humanity is egoistic. Every thing else in nature - minerals, plants, and animals instinctively follow nature's Altruistic Law. (purpose) Only human behavior is in contrast with the rest of nature (Federal Application of U.S. Constitutional Law)

If every part of Nature & Law (U.S. Constitution) instinctively follows its Law (Altruism) and man does not (State Government) then man is the only corrupted element. (Unconstitutional Practices) (Ninth Amendment violations)

If every state government office obeyed its Law (U.S. Constitution) when we correct ourselves from egoism to Altruism everything else will be corrected as well.

U.S. Constitution's Guarantee's are interpreted by Rhode Island Superior Court's Justice's to Deny and disparage the Altruistic relief in Access to Liberty for all. Violating Ninth Amendment Rights protecting other rights for MEN OF COLOR (CIVIL RIGHTS Act 1964)

ALTRUSTIC CONSTITUTIONAL GUARANTEES

U.S. Constitution is being used to segregate based on race of Appellate/Defendant by Court Judicial officers in Judiciary Branch of Rhode Island Government to discriminate against MEN OF COLOR in Constitutional Precedent Cases such as *Hurtado v United States*; *United State v Dionisio*; and *Johnson v Superior Court of Santa Clara County*. and their progenies.

Denials of relief from Unconstitutional Indictments from Rhode Island Justices are self-centered to stop a recorded relief as a Avenue to follow, even if its contrary to U.S. Constitution Article 3 Section 2; Article 6 Sec 2; 4th; 5th; 6th; and 8th Amendment. Procedurally violating Guaranteed U.S. Constitutional Rights of men of Color who are not legal savy facing Criminal Trial in State entities.

Rhode Island Actor who occupy these offices that deprive men of Color of Constitutional relief to malicious prosecutorial misconduct actually encourage it to be more when men of Color are concerned.

Denying them Access to challenge subject-matter jurisdiction setting a impossible bar for the Innocence Protection, and Burden of evidence to establish guilt before Grand/Trial Jurors.

"Mein Kampf" hitlers book states whites are "Apex predators" against all other races, our Attorney Generals Department, Justices, and Court Judicial officers 90% white. Majority are in "White only" clubs, lodges, orders, and ect which directly violate the discrimination Civil Rights (Law) Act 1964.

Higher Court Justices in Rhode Island Supreme Court refuse to give men of Color Access to U.S. Supreme Court Precedents *Maryland v Arizona* 373.U.S. 83; *Minanda vs Arizona*; *Cuyler v Sullivan*; *Schlup v Delo*; *Ramos v Louisiana*; *Franks vs Delaware*; but Tempest received Relief (whitemale) and Franco (whitemale).

Innocence Protection

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Munir & Hampton Boyds claims explore Rhode Islands Superior Court  
Innocence protection as an animating value of Constitutional  
criminal procedure and describes how developments in the way  
that crimes are investigated, proved, and re-examined have dislodged  
A Trial in Superior Court as the Center of the Constitutional criminal  
procedure Universe. Since U.S. Supreme Court's Schlup v Delo 513  
U.S. 298 and House v Bell 547 U.S. 518 (2006) consideration to a  
innocence gateway claims.

In such claims as this suit class member (men of Color) assert that "new  
evidence" of factual innocence should permit substantive review of  
an otherwise defaulted claim and that they received a Unconstitutional  
TRIAL. (Lacking sufficient evidence for subject-matter jurisdiction)

Munir & Hampton-Boyd affirm by Affidavit new evidence of the factual  
innocence warrants relief despite Affirmation of Conviction in Direct  
Appeal.

Multiple Cases show how DNA Results against Munir & Boyd was inadequately,  
investigated, prosecuted by false testimony, and conviction altering  
deliberately the innocence protection calculus against men of color.

Defendants have a right to 1) Challenge traditional forms of his evidence  
not presented to a GRAND JURY / TRIAL 2) Give Availability and  
reliability of his scientific evidence (Exculpatory favor) that were excluded at  
Grand Jury / TRIAL. 3) Finally proves defense Counsel had available  
mechanisms and procedures to Apply Innocence protection as Adversarial  
collateral Attack in GRAND JURY / TRIAL. 4) Appellate have Constitutional  
Guarantees when violated by BRADY Material possessed by Prosecutor's  
At GRAND JURY / TRIAL must obtain relief Article 3 Sec 2 strongly states,  
Protection from conviction those who are factual Innocent the crime is an  
axiomatic and elementary value infused in Constitutional criminal procedure.

Innocence Protection

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In Berger v. United States The Court emphasized that the "two fold aims" of the criminal justice system are "that the guilty shall not escape or innocence suffer" See Berger v. United States 295 U.S. 78 (1935)

The Plaintiff(s) Post-Convictions have identified "Protection of Innocence" and "Pursuit of the Truth" as the two "deep principles underlying Constitutional criminal procedure" They do not exist for MEN OF COLOR in Rhode Island's Judiciary System Access to Constitutional Guarantee's are void for them and their class. Spirit of Innocence protections informs the Fourth (Warrants) Amendment drives the Fifth (Indictments) and Sixth (Fair Trial) Amendment. "Sixth Amendment was designed to reduce the risk that a noose would be wrapped around an innocent neck, and accusation and indictment shove a person on to a legal road whose destination can never be certain even for the innocent man" quoted from [Akhil Reed Amar Sixth Amendment First Principles, 84 Georgetown Law Journal 641, 642 (1996)]

Ancestors of Minnie & Hampton-Boyd's Racial background are seen throughout American history hanging lynched with a noose around their necks outside of Court House's in the South.

Southern States is where the origin of Masonic Lodges were started in this country birth in the morals, actions, and ideology of segregation. (White Supremacy) To further divide this country of liberties while practices that white Americans have more rights than blacks this is what Superior Court & Supreme Court practice firmly.

Being a member of these mention segregated groups Racist history shows the U.S. CONSTITUTION is a fraudulent document to make American citizen comply to laws only meant to protect "WHITES ONLY" (MEMBERSHIP OF MASONS) (KILLING INNOCENCE PROTECTION CLAUSE) [9]

Innocence Protection

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In turn it maximizes the reliability of witness testimony Rvins the value of independant Actual evidence to protect innocence by enhancing the fact-finders Ability to render a reliable Trial verdict. (Convictions/Indictments based on false testimony, compensated witnesses; fabrication / suppression of DNA evidence without connection on Direct Appeal. (RvLE 35) (Paid witnesses to falsely testify)

Innocence Protection for MEN OF COLOR Never exist in Rhode Island Superior Court through MALICIOUS Prosecutorial misconduct That no private or Appointed Attorney has adversarially Attack. As the U.S. Supreme Court stated in Duncan v Louisiana 391 U.S. 145 "Those who wrote our Constitutions knew from history and experience that [Jury trial right] was necessary to protect against unfounded criminal charges brought to eliminate enemies ~~and~~ against judges too responsive to the voice of higher Authority"

Most people would agree that the system should seek to minimize convictions of innocent defendants. This preference for skewing the risk of error in the defendant's favor does not apply to most constitutional claims, where the system can tolerate a much higher level of pro-government error; "Better that an occasional Fourth Amendment violation or Batson claim be overlooked than as occasional innocent defendant be imprisoned"

Both At common law and in contemporary practice, U.S. privilege protecting Innocence over the pursuit of truth or the goal of obtaining convictions against the guilty.

As Blackstone noted we presume that "It is better than ten guilty persons escape, than that one innocent suffer". This presumption translates both into a baseline and a liability rule.

## Innocence Protection

First, the Accused starts the trial presumed innocent, as the Court explained in *In re: Winship* because a defendant's liberty is a "transcending value" due process requires reducing the margin of error by placing on the [prosecution] the burden of... persuading the "fact-finder" Second, the government must establish beyond a reasonable doubt that the Accused committed the crime charged.

There is no better place to establish the protection of Innocence than the Grand Jury Proceeding and WARRANT OF Arrest to satisfy Fifth and ~~Fourth~~ Amendment.

U.S. Supreme Court in regards to adequate right to counsel in Powell v Alabama 287 U.S. 45 (1932) explained that the Accused "requires the guiding hand of counsel at every step in proceeding against him because without it, though he be not guilty he faces the danger of conviction because he does not know how to establish his innocence" The Constitution deploys these rules, among others (internal) as part of a trial framework that is meant to facilitate accurate guilt determinations. (Inadequate Trial counsel) Cuyler v Sullivan

No place criminally is more Important for the people to protect a Fourth Amendment Guarantees of citizens to be left alone in one's home, effects, property, ect. Then A Grand Jury proceedings in every state of America.

The suspected "man of color" has already succumb to complaint by information (testimony only) after a "Rubber stamped WARRANT" signed by Superior Court Justices mainly based on "skin color" coupled to the seriousness of crimes Accused. (11) (Not based on Evidence)

Rhode Island Superior Court Justice grant these WARRANTS without real evidence "CORPUS DELECTI" standard of evidence to elements of the crime mainly based on skin color. Being of "COLOR" grants unlimited Access to WARRANTS from Rhode Island Superior Court Justices, not evidence like other states. (Rubber stamp WARRANTS)

This easy process then fact-tracks men of color to the overzealous prosecutors who then want that same "Rubber stamp" process at a Grand Jury proceeding (Suppressing exculpatory evidence to protect innocence) Evidence that can or will "negate guilt" or change the outcome of a vote to Indict/Trial won't be disclosed to Grand/Trial Jurors and disclose to Defense before Trial but it's always AFTER. see Brady v Maryland 373 U.S. 83

Rhode Island's Superior Court has no Rules or Procedures that detail Flagrant prosecutorial misconduct relief or redress for these men of color who have mis conduct that renders Indictment Unconstitutionally void Ab initio. ABA standard: Special function of a Prosecutor Rule 3-1.2(b)(c)(d); 3-1.5(a)(b)(a); 3-3.11(a)(b)(c); 3-2.8(a)(d)(e); 3-3.4(c); 3-3.5(a)(b) and most importantly 3-3.6 Quality and Scope of evidence before a Grand Jury(b)(f). (see pgs 13 & 14 Providence Journal News Article)

ABA presentation of evidence rule 3-5.6(a)(c) details the sanctions of violating evidence rules and falsifying evidence by testimony or exam and to conceal when false testimony was known and presented by Tribunal Justice Jury. The suspected men of color never have a chance to a fair Trial when their fourth Amendment rights and fifth Amendment rights have no adequate discretion for Innocence Protection clause regarding rules of evidence. To be Indicted is to practically be convicted when Rhode Island Attorney General Assistant obtains a True bill. (see pgs 13 & 14)

# Lawmakers seek better disclosure before trials

The bill aims to ensure that defendants are treated fairly in the courts

By Katie Mulvaney  
Journal Staff Writer

**PROVIDENCE** — In the aftermath of revelations that prosecutors intentionally hid evidence in the 2008 corruption trial of Alaska Sen. Ted Stevens, the U.S. Department of Justice rolled out guidelines for its lawyers on everything and disclosure of evidence.

The guidelines called for “broad and early” disclosure to defense lawyers, and for prosecutors to seek from their entire team, including their law-enforcement partners, all possible evidence that could clear a suspect.

Federal prosecutors were encouraged to err on the side of inclusiveness, to work to promote the mission of the department’s mission of truth-seeking, and to thoroughly consider how best to meet their obligations to disclose evidence. Training for federal prosecutors included:

State lawmakers have moved to institute similar protocols in the

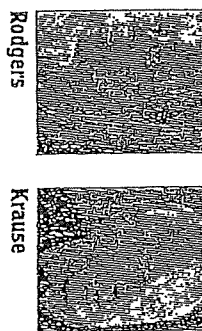
Rhode Island Judiciary through identical House and Senate bills, to be called the “Fair, Complete and Timely Disclosure Act” or the “Fact Disclosure Act.”

The legislation, submitted on behalf of the state public defender’s office, calls for the “timely” disclosure of discoverable information to ensure that cases can proceed to a “fair and just result in an orderly and timely fashion.” Both state prosecutors and defense lawyers would be required to certify in writing that they have exercised due diligence in fulfilling their obligations to provide requested information. Judges would set dates for materials to be produced.

“I’ve had to fight prosecutors over things I don’t think I should have to fight over,” said state Rep. Jason Knight, a prosecutor-turned-defense lawyer who sponsored the House version.

“It’s kind of a persistent problem,” Knight, D-Bar-nington, said of discovery issues. “Even one case is bad.... The system only works when everyone does their job.”

The attorney general’s office, through spokeswoman Amy Kempe,



Rodgers

Krause

declined to comment on the legislation.

“We will address our position and issues raised within the bill at the proper time, which is when there is a hearing,” Kempe said via email.

If passed, the bills would create a task force of invested players to examine discovery issues “to promote the fair, efficient and orderly administration of justice,” encourage timely disclosure of evidence in compliance with court rules, and consider what additional training for lawyers and law enforcement would benefit the system.

Members would include the Rhode Island Bar Association president, the president of the Rhode Island Association of Criminal Defense Lawyers, a representative from Roger Williams University School of Law, the executive director of the Rhode Island Commission for Human

Rights, the state police superintendent, the president of the Rhode Island Police Chiefs’ Association and the Providence public safety commissioner. The state public defender and the attorney general would serve as co-chairs.

The panel would submit any recommendations to state and judicial leaders.

“I think it’s worth studying,” said Rep. Robert E. Craven Sr., a co-sponsor.

Also a former prosecutor, Craven, D-North Kingstown, said he had not experienced discovery problems during his legal career.

Sen. Stephen R. Archambault, the lead Senate sponsor, said he became aware that there was a “well-documented past history of violations” and that private and public defense lawyers had raised concerns.

“There’s an uptick in the amount of violations,” he said.

The legislation, he said, is modeled after federal discovery rules and would ensure that defendants — and everyone, for that matter — is getting fair treatment in the courts. “It’s something the state

really needs,” said Archambault, a defense lawyer who said he has not experienced any violations. “Fundamental fairness can become something that people can’t question.”

Discovery issues have percolated over the last several years in state courts. In July, lawyers for Willie “Chill Will” Washington, who is serving 60 years for the non-fatal shooting of a food-delivery worker, sought a new trial based on allegations that prosecutors Joseph McBurney and Peter Roklan failed to disclose the defense a conversation that Roklan had with a 911 caller who linked Washington’s license plate to the shooting.

McBurney testified that they had disclosed the conversation. Washington’s lawyer, Sarah Potter, said they had not.

In the end, the 911 caller gave conflicting testimony. Superior Court Judge Robert D. Krause dismissed Washington’s arguments for a new trial, writing, “The defendant has failed to carry his burden by the widest of margins.”

A month earlier, Superior Court Judge Kristin

E. Rodgers had declared a mistrial in the case of Andrew Jett, a 59-year-old Cranston man accused of killing his girlfriend of two decades after he had been convicted of murder in the death of another girlfriend. In pulling the plug, Rodgers cited “multiple discovery violations by the prosecution that had a cumulative effect on the fairness of the trial,” according to the court.

“This is nothing short of a trial by ambush,” Rodgers said in ordering a new trial for Jett, accused of killing Michelle Busby, 50, in her East Providence home in August 2012.

Rodgers observed that while the failure to disclose the information left defense lawyers Philip Vicini and Rebecca Atchison scrambling mid-trial to respond to new information, she did not believe it was deliberate.

Rodgers noted, however, that prosecutors Daniel Guglielmo and Kim Ahern were the same prosecution team referenced in a 2014 Supreme Court decision regarding non-disclosures by the attorney general’s office; that case also ended in a mistrial.

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**HEARING**

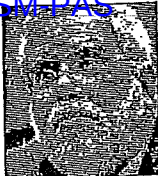
From Page A1

Disclosure Act" or the "Fact Disclosure Act," the legislation is intended to model federal discovery rules put in place by the U.S. Department of Justice in the wake of revelations that prosecutors intentionally hid evidence in the 2008 corruption trial of Alaska Sen. Ted Stevens.

The legislation calls for the "timely" disclosure of discoverable information to ensure that cases can proceed to a "fair and just result in an orderly and timely fashion."

Both state prosecutors and defense lawyers would be required to certify in writing that they have exercised due diligence in fulfilling their obligations to provide requested information. Judges would set dates for materials to be produced. It would also establish a task force to study the issue.

Michael A. DiLauro, an assistant public defender, told the committee that the measures are meant to make the criminal justice system fairer



DiLauro

and there are fewer delays. "We're interested in improving things. We're not interested in casting blame," DiLauro said.

The legislation received significant pushback from the attorney general's office, which functions as essentially Rhode Island's largest law firm.

"This isn't something that we need," Veroni said. She insisted that the disclosure of evidence pretrial is best left to the courts themselves. "We have a system of checks and balances, and it works well."

Archambault responded to the criticisms: "I certainly didn't put the bill in to swipe the attorney general's office and I'm not going to get the least bit defensive. I don't see the bill through that lens at all. I don't think you should take it personally."

Sen. Harold Metts asked Veroni about a recent



Metts

trial in the Andrew Jett case brought about by discovery violations by the prosecution that had "an accumulative effect on the fairness of the trial," according to the court.

"We respectfully disagree with the finding of the court," Veroni said, noting the case is on appeal.

Veroni disputed statements that there is a "well-documented" history of violations.

The House version of the legislation met with similar derision from state prosecutors.

"Ours is a human process. There will be mistakes, but ... there is no widespread problem in need of this level of attention," prosecutor John Corrigan told the House Committee on the Judiciary.

"This is not the body to take this up," said Corrigan, reiterating that discovery rules are best left to the courts.

"There have been times when late discovery ... has



Corrigan



Knight

caused problems," said Rep. Jason Knight, D-Barrington, a former prosecutor-turned-defense lawyer who sponsored the House bill.

"Every once in a while, we see it happen and I, for one, don't see anyone doing anything about it," Knight said. "We want to have complete discovery that complies with every single requirement as laid out by the Supreme Court."

Corrigan faulted the legislation for creating a "rival" timetable with court rules about the disclosure of evidence and praised the state's existing set of discovery rules as a "model" for the nation.

Both the House and the Senate have held the measures for further study.

## Rhode Island's Refusal to Article 3 Section 2

The Arrogated content and Arrogance on pages 13, 14, and 15 show that Lawmakers believe they have to make a U.S. Supreme Court Precedent Case a Law before it can be practiced in Rhode Island's Courts. (Brady vs Maryland 373 U.S. 83)

These State Representatives are versed in Law as well as Article 3 Section 2 [2] making Cases decided in U.S. Supreme Court A Automatic "Fact" AND LAW" to Appellate jurisdiction of a constitutional Claim.

Anything that can help, advance, or mature Constitutional Practice in Rhode Island's Superior Court's is met with A Vengages by Rhode Island Prosecutor's even when it's Contrary to U.S. Constitution (pursuant 28 § 2241 Power to Grant Writ)

The Argument is mainly because it helps "men of color" in cases where trials were A Rubber Stamp proceeding also, with Inadequate Trial Counsel.

We must observe Two state's court rules, state statutes, or procedures then Superior Courts have in place to combat against deliberate malicious racially charged prosecutorial misconduct

California and Massachusetts take Innocences Protection and the U.S. Constitution Guarantee's more serious than Rhode Island's Superior Court to safeguard Integrity of the People's "Informed" and "Independent" vote (GRAND JURY CLAUSE)



We default to generally trusting and believing people we deem to be authority figures. The same holds true for politicians and so-called "experts" of any kind. We unconsciously assume that they're better informed than we are, and we are more inclined to take what they say on faith.

The open loophole in our thought process that can backfire, or be deliberately taken advantage of by bad actors in authority state public offices.

CALIFORNIA PENAL CODE 939.7 = When a district Attorney seeking an indictment is aware of evidence reasonably tending to negate guilt, he is obligated under Cal Penal Code 939.7 to inform the grand jury of its nature and existence. (see Cal Penal Code 939.7)

Under Penal Code 939.7 providing that a grand jury may order production of evidence that may explain away a charge, when a district Attorney seeking an Indictment is aware of evidence reasonably "tending to negate guilt" (underlined) he is obligated to inform the grand jury of its nature and existence, so that the jury may exercise its power under the statute.

### Grand Jury § 3 Powers and Jurisdiction - Protection of Innocence

Fifth Amendment guarantee that a civilian may not be held to answer in a federal prosecution for a capital or otherwise infamous crime ~~unless~~ unless on a presentment or indictment of a grand jury "presupposes" a grand jury acting independently of either prosecuting attorney or judge, whose mission is to clear the innocent no less than to bring to trial those who may be guilty, and the grand jury's historic role as a protective bulwark standing solidly between the ordinary citizen as it is in the federal system.

California has a power and jurisdiction to apply to protecting the innocent, and evidence held or known to Attorney General to negate guilt must be shown.

CALIFORNIA / Innocence Protection in Grand Jury

In decision of Johnson "But let us take a moment to be clear: As an intermediate Appellate court, we don't, in our opinion today rely on or adopt the "HAM SANDWICH" view of grand jury procedure...

"Those statute's ensure that person who, for example, may not be eligible for public counsel (and thus must pay for counsel out their own pocket) need not endure the trouble, expense, and disgrace of being arraigned and tried in public on criminal charge for which there is no sufficient cause" [Rhode Island Superior Court / General Law has no statute that protects the innocent or even the targeted suspect accused] (Leaving men of color with no relief to protect their innocence even if it's biological tested DNA results eroding their protection and access to Fourth Amendment protections.)

"The duty to turn over evidence reasonably tending to negate guilt to the grand jury does not depend on prosecutor's estimation of the weight of the evidence simply on whether the evidence reasonably tends to negate guilt" And the prosecutor must inform the Grand Jury of any evidence reasonably tending to negate guilt" (DNA Results)

Id at pg 619 (dissenting opinion of Justice Richardson, J California Supreme Court) quoting Johnson v Superior Court (1975) 15 Cal 3d 248, 255... readers should bookmark those quoted words "reasonably tending to negate guilt" (CAL APP 4TH DISTRICT)

LEGAL Ethics of Prosecutorial Misconduct The duty of the district Attorney is not merely that of an advocate. His duty of the Court is not to obtain convictions, but to fully and fairly present to the court the evidence material to the charge upon which the defendant stands TRIAL.

California has in place laws, statute's, rules, procedures, that protect against overzealous government who violate Historical Function of the GRAND JURY CLAUSE Proceedings to Unconstitutionally convict men of color.

CALIFORNIA'S Innocence Protection Grand Jury

Penal Code 939.7 gives relief to A defendant of COLOR before and After TRIAL if he is subjected to Conviction under A legally Unconstitutional true bill Indictment. This state law legally defines the Power of the People of the Grand Jury to grant State's Attorney Jurisdiction to A TRIAL Court this state statute protects Innocence protection Clause of U.S. Constitution. Penal code of California ensures some remedy for Due Process Clause and Grand Jury Clause's historical integrity evening the good faith field of Professional Conduct. Subject-matter jurisdiction must be Constitutionally sound to bring A individual to stand A trial, sign a plea, or pre-trial dismissal.

Rhode Island Superior Court has NO such Law that can be Understood by Average Rhode Island citizen, let alone of A College education what can constitute A Collateral Estoppel Challenge to Flagrant Prosecutorial Misconduct pursuant to Brady vs Maryland 373 U.S. 83 (Article 3 sec 2). Denying Men of Color who have NO legal experience, understand, competency knowledge to object, and know-how to Constitutionally present that true Bill Indictment Procedure to Court's veracity-test.

Deny one Access to Constitutional Guarantees violates Civil Rights of the individual to not have Available A Law or Procedure in A Rhode Island Court that has A high Capital offense/ Felonious charge turn around rate. This Denys Men of Color A right to challenge evidence, testimony, and Grand Jury proceeding to Grand Jurors Integrity historically to be A "shield" and "sword".

Rhode Island Prosecutors are using them for one thing to be A "uninformed" "Influenced" judicial body to be A ~~shield~~ "sword". Eroding the Innocence protection being A literal of U.S. Supreme Court to be Indicted is to be convicted. Appellate has A right to appeal AB Into of his trial to show all Unconstitutionality to even obtain review, that leads to A proper relief. When their state law is contrary to Federal U.S. Constitution 203024 Federal Courts are granted jurisdiction to Rule 6 and relief.

# Innocence Protection Grand Jury

Rhode Island's Superior Courts lack of a statute that can give pre-trial Collateral Estoppel or Appellate review is positive evidence that the detailed "HAM SANDWICH GRAND JURY PROCEDURES" firmly prohibited by U.S. SUPREME COURT is exactly how Rhode Island Superior Court designed to effect "MEN OF COLOR" Legally, Financially, Constitutionally, Statutorially, Lawfully, and racially to Lessen BURDEN OF PROVE of Prosecutors. The Prosecutorial deliberate misconduct MAKES INNOCENCE PROTECTION and REASONABLE DOUBT A Myth, fantasy, Fairy-tale, and fiction like Santa Clause and Thanksgiving for Class members.

"CORPUS DELECTI" requires that according to RULE 6 the Grand Jury (State) must make disclosure to the subject (1st Degree Child Molestation) (1st Degree Robbery) DNA Results that prove violation of law. (Class member #1 & #2). Federal Criminal Rules & Procedure Rule 6 subdivision (e)(3)(C) gives Grand JURORS power to investigate before voting to give State jurisdiction to try A Individual.

Rhode Island Attorney General's Department has revenue for office of investigation and power as A Oath of office duty to do such investigation §42-9-8.1 R.I.G.L yet that was never carried out relating to evidence to negate guilt or proof of that Accused Crime.

Kathryn Tracey has repeated this Prosecutorial misconduct being A violation in California's Penal Code 939.7 to erode Innocence protection as a option to shield one against unfounded Charges. AG Tracey does this by fabricating the existing of Exculpatory evidence "tending to Negate guilt" this is a Common acceptable practice by Rhode Island Superior Court's Chief Justice violating Brady v Maryland 373 U.S. 83 restructuring Access to Article 3 Section 2 case law & Fact of Constitutionality.

Fourth Amendment Also prevents seizure of people without real proof to serve A WARRANT Federal Rule 43 makes Affidavit part of evidence but evidence impeaching that Affidavit negating class members guilt must be disclosed. Credible Assessment cannot be concluded without DNA Lab tested Results that negates guilt Fifth Amendment Clause requires Grand Jurors be "Informed" and "Independent" to render a Constitutional vote. (19)

## Innocence Protection of GRAND JURORS

Nothing in Rhode Island General Law Statutes state A Prosecutor can willfully withhold, suppress, and fabricate Exculpatory evidence DNA, prison testimony, ect that violate Brady vs Maryland 373 U.S. 83 which violate Federal Law ARTICLE 3 Section 2. U.S. CONSTITUTION

Rhode Island Prosecutor's never instruct GRAND JURORS on their JURIST OBLIGATION to protect against unfounded charges and Prosecutor's never mention their BURDEN OF PROOF to meeting RI GL Statutes against "MEN OF COLOR" (Class members).

MUNIR & Hampton & Boyd's Indictment Proceedings are evidence of A State government using Public official offices to Discriminate and Disenfranchise Plaintiff Class members of A Constitutionally "Informed" and "Independent". In Rhode Island Convictions there's hundreds of Indictments in this same UNCONSTITUTIONAL LEGAL CONDICTION EFFECTING class members men of color.

Since Rhode Island as a State receive revenue towards Imprisoned Class members, if the Conviction is UNCONSTITUTIONAL Rhode Island's Court Officers are misappropriately using federal funded office to fabricate color of LAW. (CIVIL RIGHTS CRIMINAL VIOLATION)

Rhode Island Attorney General Indictment Proceedings are obtained by UNCONSTITUTIONAL LEGAL PRACTICE that violates Article 3 Sec 2, Innocence Protection Clause, and Reasonable Doubt to All "MEN OF COLOR" to suffer.

Indictment Proceedings effect Gvaranteed rights of the Fourth and Fifth Amendment and if UNCURED CONSTITUTIONAL will Infect the fairness of Sixth Amendment right to Trial fairness kiddle with numerous issues of Constitutional Appellate Laws. Miranda v Arizona; Brady vs Maryland; Frank vs Delaware; Cuyler v Sullivan; U.S. vs Provenzano; ect. denying them access to U.S. Supreme Court Case law that re-establishes Innocence Protection and Reasonable Doubt in TRIALS, Massachusetts has established a "Mayfield Test".

## Massachusetts / Innocence Protection Grand Jury

Mayfield Test = Although generally the adequacy or competency of evidence before a grand jury is not a matter of judicial inquiry, an appellate court will consider whether the evidence before the grand jury was sufficient to support a finding of probable cause and whether the Appellate has shown that the integrity of the grand jury proceeding was impaired.

Mayfield Test factors = (1) False and deceptive evidence was offered knowingly or with "reckless disregard for the truth" of that evidence (2) the false evidence "probably influenced" the grand juror's decision to indict and (3) the evidence was presented with the intention of obtaining an Indictment (Mayfield factors)

Evidence before a Grand Jury / Exculpatory / Impeachable (Massachusetts)

The Commonwealth has an obligation under Commonwealth v. Clemmey to reveal exculpatory evidence that would greatly undermine the credibility of an important witness.

Dismissal of Indictment Procedure = The question on a motion to dismiss is not simply whether the false deceptive testimony probably influenced the grand jury in some abstract sense. Rather, the defendant must show not only that the evidence was material to the question of probable cause but that on the entire grand jury record the false or deceptive testimony probably would have affected the decision to indict.

Evidence before the Grand Jury = The commonwealth has an obligation under Commonwealth v. Clemmey to reveal exculpatory evidence that would greatly undermine the credibility of an important witness.

Massachusetts takes the Innocence Protection seriously and the safeguards are in place to prevent over zealous governmental malicious conduct by RACIAL discrimination to deprive one of Guaranteed Constitutional Rights

Federal ~~Immunity~~ / Innocence Protection GRAND JURYCited Caselaw

"Use of Indictments in all cases warranting serious punishment was the rule at common law, and this amendment made the rule mandatory in federal prosecutions in recognition that the intervention of a grand jury was a substantive safeguard against oppressive and arbitrary proceedings" Smith vs U.S., Ala. 1959 79 S.Ct 991, 360 U.S. 1, 31 Fed.2d 1041 (quotes omitted; United States Supreme Court)

"In granting Defendants motion to dismiss, the district court applied the legal standard relevant to its discretionary supervisory powers, but also found that the governments errors "subverted the due process rights that the defendants are guaranteed by the Constitution" In this case Defendants moved for dismissal solely pursuant to the Court's supervisory power United States v Barrera-Moreno, 951 F.2d 1089, 1091

"The government failed to disclose an agreement it had made with a co-conspirator whose statements were introduced at trial. We held that the failure to disclose this agreement violated Brady 373 U.S. 83. Based on this violation, the prosecutor's misleading statements at trial, and the governments failure to accept responsibility for its wrongdoing, we reversed the convictions and "remanded to the district court to determine whether to retry the defendants or dismiss the indictment with prejudice as a sanction for the governments behavior" United States v Blanco, 392 F.3d 382, 395 (9th Cir 2004); United States v Kojayan, 8 F.3d 1315, 1325 (9th Cir 1993)..." In Blanco, the government failed to disclose "highly relevant impeachment material" about a confidential witness and we found it "obvious" that the material "should have been turned over to Blanco under Brady and Giglio"... "[A] range of options will be available to the court, including, at one extreme, dismissal of the indictment for governmental misconduct" [AFTER CONVICTION]. BACK →

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Fifth Amendment

"This Amendment gives every Indicted Defendant the right to be tried only on the charges made by the grand jury that Indicted him; if he is to be convicted, the conviction must rest solely on the charges made by the Indictment" V.S. v Prejean CA. Tex 1974, 494, F.2d 495.

Right to Indictment by unbiased grand Jury is guaranteed by this Clause (FIFTH AMENDMENT) U.S. v DiBernardo D.C. Fla 1982, 552 F.Supp 1315 (granted in part)

Guarantee of this Amendment of Right to Indictment by Grand Jury necessarily presupposes an investigative body acting independently of either Prosecuting Attorney or Judge" U.S. v Hyder, CA Fla 1984, 732 F.2d 841, see also U.S. v Provenzano D.C. N.Y 1977, 440 F.Supp 561

"The Fifth Amendment prohibiting bringing a civilian to trial for a infamous crime unless on presentment or indictment of Grand Jury presupposes Investigative body Acting Independently of either Prosecutor or Judge whose mission is to clear the innocent, no less than to bring to trial those who may be guilty" V.S. Dionisio Ill 1973, 938 Ct 764, 410 U.S. 1, 35 L.Ed 2967 see also Johnson vs Superior Court of San Joaquin County 1975, 539 P.2d 792, 15 C.3d 248, 124 CAL Rptr. 32

Rhode Island Superior Court Influences, Deceptively stops Investigation, fabricate incriminating evidence & hearsay statements, to oppress men of color who have no college education or legal law background to combat against violation of Fourth & Fifth Amendment Rights.

How a States Attorney treats the GRAND JURY PROCEEDING WILL SHOW HOW TRIAL JURY EVIDENCE IS CONDUCTED, IN RHODE ISLAND PROSECUTORIAL MISCONDUCT IS COMMON KNOWLEDGE TO LAWMAKERS. YET THEY PASS NO LAW TO EVEN THE LEGAL FIELD OF TRIAL FAIRNESS ONLY BECAUSE IT ONLY EFFECTS NON-WHITE CLASS MEMBERS.

Thus U.S. Supreme Court Justice Black noted "that the judicial response to an Indictment should be governed by A single, overriding principle "An indictment returned legally" constituted and unbiased grand jury, like an information, drawn by the prosecutors, if valid on its face, is enough to call for A trial of the charge on the merits" Responding to the Implication of that principle Justice Burton concurred separately in an attempt to hold open some possibility for judicial review of the Grand Jury evidence would not preclude an examination of grand jury action to ascertain the existence of bias or prejudice in an Indictment" Justice Burton contended "... That A Indictment like wise should be quashed" Costello v United States

If it shown that the grand jury had before it No substantial or rationally persuasive evidence "... the half-way station was founded on doctrine of supervisory control over prosecutorial misconduct Costello, as it was argued, did not take from the lower federal courts their traditional authority to "preserve the integrity of the judicial process" by dismissing Indictments that were product of "flagrantly abusive prosecutorial conduct" before the Grand Jury. Exercising that authority was found in Costello's caveat that an Indictment must be returned by "an unbiased grand jury" in order to be enough in itself "to call for trial". Class members Indictments are obtained by A bias, uninformed, influenced grand jury of consistent Flagrant prosecutorial misconduct that voids Innocence protection "shield" of the Grand Jury, by suppressing Brady Material favorable to these Class members. Which from Costello point of view of Grand Jury votes from U.S. Supreme Court (Article 3 Section 2), deem Indictments Unconstitutional from their decision in Brady vs Maryland 373 U.S. 83 (evidence that changes the outcome of the verdict; negating guilt)

Abusive Prosecutorial practices, such as "insults" and "insinuations" directed against the target, traditionally had been held inconsistent with this requirement since they "served" no purpose other than to have the grand jury Indict out of bias."

Same is true for Rhode Island Attorney General's Department (lower court) in appropriately suppressing certain types of favorable evidence from the Grand Juror's knowledge to be "informed". That should not allow the prosecutor to attempt to pressure the jurors into issuing an Indictment by "deception" or other improprieties in introducing evidence.

The "misconduct exception" to Costello most widely recognized in the Pre-William Ruling (United States v William) was the dismissal of an indictment because of the prosecutor's knowing presentation of perjured testimony to the grand jury dismissal was required only when the perjured testimony was "material" to the issue (subject-matter) before the grand jury. The due process test for materiality, as applied to a prosecutor's knowing use of perjured testimony at trial, is whether there is "Any reasonable likelihood that the false testimony could have affected the judgment of the jury."

The perjured testimony dismissal was justified by reference to prosecutorial "misconduct" courts tended to stress prosecutor's awareness that evidence/testimony being presented before the grand jury was perjured/false.

The prosecution was viewed as equally guilty of misconduct if the prosecutor later learned of the perjury but failed to inform the grand jury of that "fact" while it still has the opportunity to reconsider the matter. A few courts went beyond actual knowledge of falsity, holding that dismissal was appropriate where the knowledge of falsity, holding that dismissal was appropriate where the prosecution (or its investigating officers) had been patently negligent in failing to recognize testimony or evidence was false

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Federal courts allowed for dismissals only when the hearsay was presented in a fashion that may have misled the grand jurors into believing that the witness presenting hearsay was actually speaking from first-hand knowledge.

Hearsay testimony can be objected affirmatively at trial, but unlike trial the targeted defendant is not present at a Grand Jury Proceeding, which is why there should be stricter STATE statute's, COURT procedures, COURT rules, and LAWS to safeguard a GRAND JURY CLAUSE's Integrity (CONSTITUTIONALLY APPLICABLE).

Protecting A certain class member from being subjected to A overbearing executive part of government against malicious prosecutorial misconduct in Rhode Island's Superior Court. (Frequently how Indictments are obtained to Capital offense / Felonious charges Against MEN OF COLOR)

As Johnson quoted from Hurtado "To be indicted is to be convicted" the Rhode Island Superior Court Rules and Procedures this is a "FACT" for "MEN OF COLOR" facing Capital offenses. This misconduct of suppression continues AT TRIAL with "little" to "NO INDEPENDANT EVIDENCE" to prove guilt by elements of the crime standard "CORPUS DELICTI".

Rhode Island General's Department Prosecutors have unchecked clear Unconstitutional prosecutorial misconduct procedures in State Grand Jury Proceedings that deprived MEN OF COLOR of having a freely unbiased GRAND JURY by preoffering incriminating false evidence while suppressing favorable evidence from GRAND JURORS knowledge. Violating Constitutional Rights of "MEN OF COLOR" has been a historical in America especially when Segregating still exist in Offices in GOVERNMENT. "Whites only Masonic members" ) ~~(26)~~ (26)

Professor Bator & Justice Friendly

Judge Friendly defined "colorable" as one where the appellate court believed there to be a fair probability that, in light of all the evidence... The trier of facts would have entertained a reasonable doubt of his doubt of his guilt."

Professor Bator believed that the focus should be on whether the state courts provided the prisoner with adequate process for raising federal Constitutional Claims

Bator's focus on the richness of court process rather than on substantive question of innocence derived partly from his belief that innocence is a question whose answer often is unknowable in an absolute sense.

Concept of freedom from error must eventually include a notion that some complex of institutional processes is empowered definitely to establish whether or not there was error, even though in the very nature of things no such processes can give us ultimate assurances

Our contemporary understanding of wrongful convictions, our realization that even traditional forms of evidence are not as reliable as we imagined them to be, and our ability to test some types of evidence more reliable as time passes.

Professor Bator argued that the idea of adequate process might now include as a matter of course post-conviction reliability testing where a petitioner is able to present an adequate quantum of proof that he is factually innocent of the crime charged. There is ample reason to believe that Bator would support this added point of procedural protection if he accepted the underlying premise that there is a sufficiently strong ability to determine innocence post-trial so that the extra step would increase over all functioning.

Professor Bator & Justice Friendly

Professor Bator Indeed he wrote:

"I want to be careful to stress that I do not counsel a smug acceptance of injustice merely because it is disturbing to worry whether injustice has been done. What I do is a general procedural system which does not cater to a perpetual and unreasoned anxiety that there is a possibility that error has been made in every criminal case in the legal system"

(Professor Paul Bator in "Finality in Criminal Law and Federal habeas Corpus for state prisoners" 76 HARVARD LAW REVIEW 44)

U.S. Constitution being over a hundred years old the courts Applying LAW into lower courts pursuant to Article 3 Sec 2, how is it still a promise for "MEN OF COLOR" to access these very compelling appellate case law to be honored by Rhode Island Superior Court.

Most confusing thing is Attorneys Attend Law School for many years learn how to debate, Argue, file Writs and compel a Court to honor their filings or Claims. Passing the Bar Association exam is another hurdle that comes with legally practicing, changing, and Applying professional standards to law.

These class members are held to answer for a Capital Offense / Felonious charge without the Above education in Law, education in Constitutional U.S. Supreme Court case law, education in WRITS, education in Applying legal practice before, during, or AFTER TRIAL that protect Guarantees.

Rhode Island Superior Court Sentences them to a standard that they fully understand the R.I.G.L that all Apply to Criminal Procedure this is a fraudulent deception. MEN OF COLOR should trust ~~the~~ Attorneys who are members of the same clubs that validate white Supremist groups by their Segregated Lodges & clubs in our Judicial Branch of Government. (29)

EROSION OF CONFIDENCE IN DETERMINATION OF CRIMINAL LIABILITY

Understanding the centrality of the Trial determination criminal Liability requires Imagining a wholly unfamiliar legal Landscape. (SIXTH AMENDMENT FAIR TRIAL)

Public Investigation and Interrogations also have changed shape, which a negative Impact on the transparency of Criminal prosecutions. Moreover, the idea that the trial would provide adequate testing of innocence did not account for the private Nature of the investigative process today, which gives prosecutors the ability to game the system both in discovery process (e.g. whether to turn over exculpatory evidence) and in the Investigatory process (e.g. how coercive is the interrogation).

Connik v Thompson, John Thompson spent eighteen years in the Louisiana State Penitentiary - most of them on death row - before his release in 2003. At his Capital Murder Trial proof of his Innocence of the Armed robbery languished in the files of the New Orleans Crime Laboratory. Setting Aside the Impossibility of blood testing at the time of the founding, the idea of the prosecution possessing hidden evidence would have been inconceivable when the FRAMERS constructed the INNOCENCE PROTECTION mechanisms in the U.S. CONSTITUTION.

The adversarial process was accompanied by fewer incentives for gamesmanship by individual prosecutors whose reputations are not won or lost by how fairly they treat accused citizens. A pessimistic view of how prosecutors decide whether to disclose potentially exculpatory material today "might" turn on maximizing how many convictions they might obtain within the outer limits of their ethical duties to disclose favorable information to the defense on court. Prosecutors are ABOVE THE LAW WHEN NO REMEDY TO CORRECT UNCONSTITUTIONALITY DOES NOT EXIST IN STATE COURT PROCEDURE, RULES, OR STATES GENERAL LAWS.

## Erosion of Confidence in Determinations of Criminal Liability

Implicit social cognition is the process by which the brain makes rapid and near automatic judgement about target objects, including people, on the basis of structures of knowledge that might not be consciously accessible.

Implicit Race bias is one form of Implicit social cognition.

Two implicit racial bias studies by Professor Justin Levinson further erode the perception that criminal liability is determined most reliable at Trial. Levinson and Young tested whether Implicit race bias impacts jurors Interpretation of ambiguous evidence.

Levinson concluded "That the Race of a civil Plaintiff on a criminal defendant can act implicitly to cause people to misremember a case's facts in racially biased ways". The Participants appeared to remember "facts" that did not appear in the story more often those facts were stereotypes consistent, as such fact that portrayed black males as aggressive. (Justin Levinson & Danielle Young: different shades of Bias skin tone, Implicit Racial Bias and Judgement of Ambiguous Evidence, 112 West Virginia Law Review 307 (2010); Justin Levinson: "Forgotten Racial Equality: Implicit Bias, Decision Making, and Misremembering" 57 Duke Law Journal 1345 (2007) Class members § 28 & 171 (4)

Scientific evidence is admitted into the courtroom in a large number of trials, especially in cases that involve serious crimes such as Rape and murder. (DNA RESULTS VITAL)

Unlike witness memory, the invention of new tools and modes of analysis sometimes means that scientific evidence can improve with time. DNA Results & Technology today can analyze the same droplet of blood that state-of-the-art technology ten years ago could not analyze due to limited sample size or degradation. (CRUX 2)

[CRUX 2] Shows how Important DNA Results are in protecting Innocence and reasonable doubt in Court to ensure State Prosecutor pursue Justice by Independent evidence and not A conviction based on Racial Bias implicitly. Rhode Island Superior Court practices that Racial Bias every Grand Jury proceeding, with No Remedy.

## 38 Realigning Constitutional Innocence Protection

"Thus, DNA forensic evidence provides powerful NEW EVIDENCE unlike anything KNOWN before and no technology is comparable to forensic DNA testing for matching tissues when such evidence is at issue." quotes omitted (ERIN MURPHY NEW FORENSICS)

However, DNA (forensic exam testing) is not the only forensic science specialty with the power to shine light on wrongful convictions. Indeed multiple specialties are undergoing rapid evolution [ERIN MURPHY NEW FORENSICS: CRIMINAL JUSTICE, FALSE CERTAINTY, and the Second Generation of Scientific Evidence, 95 California Law Review 721, 728-30 (2007)]

(distinguishing between "first generation" forensic science 721, 728-30) specialties such as handwriting, fingerprinting, ballistic, bite, or tool marks and fiber analysis and "second generation" technologies such as DNA forensic typing, data mining, location tracking, and biometric scanning" and suggesting that the latter group of specialties have the power to alter criminal adjudication in far-reaching ways.

137 DNA-based exoneration cases in which a forensic science expert testified on behalf of the prosecution, Professor Braddon Garrett and Innocence project co-founder Peter Newfield found that the expert offered "conclusions misstating empirical data or wholly unsupported by empirical data" in six percent of the cases.

National Academy of Sciences NAS released a scathing report in 2009 on the state of forensic science in America, concluding that "serious problems" exist and suggesting an overhaul [to] the current structure that supports the forensic science community in this country."

United States Supreme Court Justice Scalia, writing for the court in Melendez-Diaz v. Massachusetts highlighted "serious deficiencies in the forensic evidence used in criminal trials" and cited a recent study finding that "invalid forensic testimony contributed to the conviction in 60% of exoneration cases" [quotes omitted Justice Scalia].

shifts in the availability and reliability of scientific evidence force us to grapple with what substantive, doctrinal, or procedural protections available within the trial itself.

## Realigning Constitutional Innocence Protection

There should be a Constitutionally defined Right to have a judge hear previously reviewed or unheard evidence (evidence that has been fundamentally altered due to new scientific analysis) at any point after the conviction has become final.

This Right holds regardless of whether a court has previously reviewed such a post-conviction claim so long as the evidence meets pre-defined credibility and persuasion thresholds. Of course the idea that changes in technology influence the mechanisms by which underlying Constitutional values are enforced is not limited to the Innocence context.

Take the Fourth Amendment prohibition against "Unreasonable search and seizures". Privacy was one important value that the framers meant to protect.

There is strong evidence that the Framers intended to "protect the innocent from invasions of privacy" (4th Amend) and because it is often impossible to sort the innocent from the guilty, exact, the requirement of probable cause is simply a rough way of achieving the goal while permitting against unreasonable searches is to protect only those who are innocent and are innocent and are not concealing evidence of crime from official searches.

For decades Rhode Island Attorney General Department has abused their state official office to mis use the FIFTH AMENDMENT GRAND JURY INDICTMENT PROCESS. DEPRIVING THEM OF A CONSTITUTIONAL SOUND GRAND JURY, THE SUPERIOR COURT JUSTICE ALICE GUBNET HAS NO INTENTION ON ADOPTING A RULE OR PROCEDURE TO ATTACK SUBJECT-MATTER JURISDICTION OF INDICTMENTS. RHODE ISLAND SUPERIOR COURT ARE NOT CONCERN BECAUSE IT TARGETS, DEPRIVES, AND OPPRESSES THE U.S. CONSTITUTIONAL RIGHTS OF "MENT OF COLOR".

ENACTED BY ELECTED ATTORNEY GENERALS OF RHODE ISLAND PRESENT MEMBERS OF "WHITES ONLY" MASONIC LODGES which are directly tied to K/Λ KΛUX KΛAN white ~~supremacist~~ group. They believe in a white Government majority of Justices are former Federal or State Prosecutors in Rhode Island your Guilty when your skin is darker.

CONTRARY TO ARTICLE 3 Section 2

Rhode Island's Attorney General underlining goal is to re-invent U.S. CONSTITUTIONAL GUARANTEE's as A PRIVILEGE'S AT GRAND JURY STAGE (Repeated against MEN OF COLOR)

Rhode Island Court have NO PROTECTION Against these VICIOUS MALICIOUS PROSECUTORIAL MISCONDUCT securing CONVICTIONS UNDER UNCONSTITUTIONAL INVALID INDICTMENT AGAINST "MEN OF COLOR", Fourth and Fifth Amendment Protections ARE WEAPONS for these MASONIC members to Act out Discrimination under the COLOR OF LAW. (Rubber stamp warrants & Invalid Indicts)

Rhode Island Supreme / Superior Judges & Magistrates are solely Constitutionally and legally Responsible for the MATURITY of U.S. Supreme Court's rulings, languages, legal references, Constitutionality of decisions, to be practiced in Rhode Island Court pursuant to ARTICLE 3 Sec 2 (U.S. Const.)

Both Courts Appoint other Lodgemembers to Disenfranchise "MEN OF COLOR" Access to favorable Appellate "FACT" and "LAW" to Capital Offense that hold up to "LIFE IN PRISON". (Fabricating legal law that will give Relief) (Billing Taxpayer hours to construct Losing Appellate Appeals)

Suppressing A certain Class of People from Access to U.S. Supreme Court caselaw, higher effective education (Providence schools #1 worst in U.S.) is All by design from the FACTUAL members of "whites only" clubs & Lodges. The Order of these Fraternities is to Continue "WHITE SUPREMACY" depriving people of COLOR from Accessing private Attorney, Affordable bail condition, Same Constitutional Rights as Whites, Inalienable Rights to liberty, and other privileges/Immunities. Segregate RACES to protect A Nation of White Americans of freedom which those right do not belong to MEN OF COLOR.

RHODE ISLAND ATTORNEY GENERAL Repeats the same Criminal violation AS ALABAMA in Superior & Supreme Court to follow their past racist predecessors Oppressive Goals.

Article 3 Sec 2 is A Guaranteed Constitutional opportunity for those collaterally Attacking Constitutional issues in A wrongful conviction STARE DECISIS Rules over STATE.

CONTRARY TO ARTICLE 3 Sec 2

In Alabama (1900's) Judges, Magistrates, Attorneys, Attorney Generals, constables and other high government officials tricked, coerced, threatened, beat, violently intimidated, men/women of color into forced servitude after emancipation calling it a Debt (BY CONTRACT)

Government officials were all factually white Masonic Lodgemembers of a "white only" club who fabricated false contracts, Affidavits, and a false debt to servitude a debt they never owed. Re-inventing SLAVERY using their State Judicial offices to fabricate Under the Color of Law False CONTRACTS to convert Sovereigns into property in Alabama.

Federal Justice Jones found multiple State Judicial officials guilty of unlawful perjury (imprisonment) Law since the 13th Amendment was a right not entitled to men of color and no State No sentences were enacted upon his Judgment.

Ridiculous vindictive Prosecutorial Misconduct that this court will read, examine, fact-find, and review that in Class members #1 & #2 Indictments Kathryn Tracey of Rhode Island Attorney Generals Department have been repeating this same fraud with no connection from Rhode Island Superior Court.

FACTUAL DOCUMENTED BLATANT Ridiculous Misconduct in Rhode Island Superior Court in GRAND JURY process making them legally INVALID. see BRADY vs Maryland 373 U.S. 83

Innocence Protection Clause never existed in Rhode Island Judiciary system for "MEN OF COLOR" (Class member) and Justices, State elected officials and court officer have DOCTRINE CONVICTIONS SLAVERY by ANOTHER NAME Rubber stamping the process of "INDICTMENTS" and "WARRANTS" making SKIN COLOR the burden of proof for probable Cause. (4th & 5th Amend.)

Masonic members of Rhode Island hold these court offices to ensure that Fourth Amendment Guarantees disappears in a Court "warrants" and "Indictments" Constitutional veracity challenges. Factual misconduct of hearsay testimony; fabricated DNA evidence testimony; coerced testimony; inadmissible confessions (Miranda violations); state paid witnesses; promises to dismiss criminal charges for testimony; suppressing vital requested documents; misrepresentation of DNA results, misrepresentation of eyewitness accounts; suppressing favorable evidence; and more flagrant misconduct by RI States Attorney to secure UNCONSTITUTIONAL INDICTMENT against "MEN OF COLOR" Class members in Capital cases that hold LIFE sentences. Kathryn Tracey was taught to treat the Class member especially UNFAIRLY based solely on their SKIN COLOR the Court Justice's prove that FACT. Systemic Racism (34)

CONTRARY TO ARTICLE 3 SECTION 2

As Court Justices, Magistrates, officers, of A U.S. Constituted Oath of Office, Emotions of Justice, Emotion of Compassions, Emotions of Empathy, and to legally correct Constitutional violation of LAW (ARTICLE 3 SECTION 2) Should Always be Integrated to all ensuring Innocence Protection Clause and Reasonable Doubt of Actual Innocence:

Rhode Island Courts see U.S. Constitution for Men of Color as a fraudulent document for them to give A Guaranteed Privilege as A Power for Them Justice personally to GRANT. Defense and Appellate Attorney get appointed by the Court and in 10 years redeeming millions never overturned A men of Color Criminal Conviction or won A trial of Not Guilty. Men of Color have been deprive A adequate conflict-free representation targeting classes of Color who are disenfranchised from College Education to object to A unfair Convictions. STAGES OF DEPRIVATION

- 1) Public Defenders, Court Appointed, and private Attorney religiously waive A class members "Preliminary Hearing" at District Court stage. This allows their brothers and sisters of MASONIC Lodges Attorney General can mislead Grand Jurors to Indict. (Further holding them without Bail)
- 2) Attorney General Assistant goes before the GRAND JURY with NO ACTUAL EVIDENCE OF GUILT JUST TESTIMONY MOSTLY FALSE, COERCED, FABRICATED, AND INFERENCED never meeting Rhode Island General Law standard required by the Capital offense statute's language. Class Action Plaintiff #1 & #2
- 3) While you're in Intake await 6 months to lapse your defense Attorney Confidentially ignores you, while waiting for her Associate Attorney for the State to Indict. (Using Prosecutorial Misconduct)
- 4) Indicted under A UNCONSTITUTIONAL TRUE BILL with withheld evidence favorable to the class member and Defense counsel will adamantly refuse to produce GRAND JURY Transcripts or Challenge the Indictment.
- 5) All of these waivers, refusal to file motions, refusal to investigate, refuse to present a defense to Attorney General discovery motions, defenses misrepresentation at Hearings, Juror Selection, and repeated Prosecutorial Misconduct repeated at Trial lead to A Conviction. In A Courthouse of Judges who were former Prosecutors and even more MALICIOUS than the New White MASONIC Prosecutors. (35)

CONTRARY TO CONSTITUTION

Rhode Island Superior Court has no Actual Innocence court rule or procedure from GRAND JURY MISCONDUCT REGARDING subject-matter jurisdiction.

Justice of Superior Court former prosecutors Refuse to review, rule, order or correct unconstitutional invalid Indictments, that hold mem of color to sentences in CAPITAL OFFENSES.

RHODE ISLAND COURTS THESE FACTS DISPARAGE and DENY CLASS MEMBER'S RIGHTS IN CAPITAL TRIALS:

- 1) CLASS MEMBERS AS CRIMINAL DEFENDANTS facing CAPITAL OFFENSES are procedurally DENIED Access to U.S. GUARANTEED FEDERAL RIGHTS BY STATES ATTORNEYS PURPOSED SUPPRESSION OF FAVORABLE EVIDENCE TO VOID INNOCENT PROTECTION CLAUSE AND REASONABLE DOUBT PRESENTED TO GRAND/ TRIAL JURORS TO ABUSE CRIMINAL JUSTICE FUNCTION. violating BRADY vs MARYLAND 373 U.S. 83 SUPERIOR HAS NO APPELLATE RECOURSE TO REMEDY THIS IN PRE-TRIAL OR APPELLATE REVIEW directly defining PROSECUTORIAL MISCONDUCT that require Dismissal of Indictment on Vacation of Conviction towards both Jury's compromised by Government, "A Article 3 Section 2 Guaranteed Right."
- 2) CLASS MEMBERS AS CRIMINAL DEFENDANTS Against CAPITAL OFFENSE CONVICTIONS are NOT GUARANTEED ACCESS TO RELIEF FROM INVALID Indictments and UNFAIR TRIAL by A CONSTITUTIONAL STANDARD OF ARTICLE 3 SECTION 2 STARE DECISIS of U.S. SUPREME COURT gives "FACTS AND LAW" that Grants Relief by jointed Article 4 Section 2 "Privileges of citizens they are entitled to federal U.S. Constitution"
- 3) CLASS MEMBER ARE DENIED POST-CONVICTION Review (Appellate) by SUPERIOR COURT JUSTICES to their claims (UNCONSTITUTIONALITY) ARE dismissed for REVIEW OR EVEN Appointed Adequate Attorney for Review of Invalid Indictments on UNFAIR TRIALS. VERACITY CHALLENGE to their deprivations to UNCONSTITUTIONALITY ARE "dismissed" to prevent review on record. Dismissing A Habeas Corpus suspending its review for the subject-matter jurisdiction of the Conviction and Trial, violating Article I Sec 9 <sup>CRUX 2</sup> "Privilege of the Habeas Corpus shall not" be suspended" depriving them Access to freely Access A habeas Corpus review, order and Judgements of the Claims. Plaintiff CLASS MEMBERS #1 & #2 both dismissed of merits (in RI Supreme #1 / or then RI Superior Court #2). CLASS MEMBERS AS CRIMINAL DEFENDANTS of CAPITAL OFFENSES of GUARANTEED RIGHTS that by Rhode Island Practice of Attorney General are disparaging its Guarantee basic literal U.S. Federal Right of 4th, 5th, 6th, 8th and 9th Amendment Guarantee's. R.I.G.L. has not been developed by or for Supreme / Superior Court to determine what Prosecutorial Misconduct may requires Dismissal of Indictment on Vacation of Conviction & Sentence. [CRUX 2] The enervation of the Constitution of CERTAIN RIGHTS shall not be construed (interpreted) to DENY or DISPARAGE those held by the people. [JURORS / the people]

CONTRARY TO THE CONSTITUTION

In two prior states California & Massachusetts Indictments that have convicted Class members #1 & #2 would have been successfully Dismissed "with Prejudice" after a "Mayfield Test" or State Statute "Penal Code 939.7" challenge review. Rhode Island's Superior Court Ritualistic Racist comradeship to ignore a white prosecutor's misconduct however criminal is embedded in Masonic Lodges and Club rule of white only groups in STATE LAW ENFORCEMENT & JUDICIAL BRANCH. (Violating CIVIL RIGHTS ACT 1964 Discrimination Against MEN OF COLOR)

Knowing these CLASS MEMBER Legalise language, education, practice, college education, or Legal Criminal Law Classes to properly object to defend themselves when Defendants counsel's Inadequately by design fails. (Frequently private or appointed)  
Class members agree to Trial, Plea bargains, Sentences, Imprisoned conditions, ect without even knowing fully understanding U.S. Constitutional Federal Guarantees.

This is done by one class of People (white masonic members) to oppress another class of people of COLOR which Attacks A successful family demension destroying A Preamble of the CONSTITUTION way of life for Class member families, Creating fear of Government, Converting Class members back into prison slavery conditions trading BONDS to recieve sale, Collect Interest on the Conviction for these BONDS.

The former Justices of District Court and former Prosecutor become Superior Judges "Rubber Stamp" Indictments without real vital evidence where States Attorney never satisfy qualified REAL burden of proof to Capital Offense Statutes and local police are granted Warrant the same. Rubber stamp warrants leads to Rubber stamp Indictments misleading, fabricating, suppressing, vital evidence to establish Innocense protect against MEN OF COLOR. Prosecutors then Contact New Media to Publicly Lynching Class members Character before Indictment on Trial prejudicially Infecting the Jury pool of Rhode Islanders.

Rhode Island Superior Court's lack of state Rules or Court procedure to Dismiss A UNCONSTITUTIONAL Invalid Indictment that Grants subject-matter Jurisdiction to hold A Trial against A Classmember.

Under California's 939.7 Penal Code and Massachusetts "Mayfield Test" the Class Member Indictments have A gateway to relief for UNCONSTITUTIONALITY TO review if Prosecutorial standard requires relief upon judgement, Not Rhode Island Superior Court.

# Survey finds inequities, bias in RI legal system

2.04% APR\*

RATES AS LOW AS

NOTHER NAME  
In Brady vs Maryland the material that is important to negate guilt of the Accused is A Constitutional violation if prosecutor has it in their possession.

DNA forensic exam is vital to negate guilt, two-different testimonies of eyewitness testimony, paid witnesses by states attorney to benefit state case, OR guaranteed promises reduction of charges to witness for the state. All of this has exculpatory nature material to negate guilt, and A Grand Jury not given all this evidence is not "Informed" their "Independent" decision to indict is deceptively influenced by Prosecutor misconduct. (Rhode Island Superior Court Procedure)

Men of Color are deprived A "GRAND JURY CLAUSE" to perform historical function to be A "Shield" Against unfounded charges and A "Sword" to the charges evidence amounts to state statute burden. (Fifth Amendment)

Fifth Amendment states "one cannot be held to answer for a capital or felonious offense without information or indictment"

Davis vs United States the U.S. Supreme Court stated "Anything Unconstitutional is void of law and cannot compel performance" (2019)

Since A Indictment allows the Fourth Amendment "secure A person" to be enforcement greater pursuant to "held without" required in Rhode Island Superior Court. Not disclosing evidence to defenses Grand Jurors that negate guilt, and deceiving People of Rhode Island to Indict on misinformation.

Brady vs Maryland makes it A Constitutional violation and Davis vs United States makes anything Unconstitutional void of LAW.

MEN OF COLOR have been Illegally brought to TRIAL, Appointed Inadequate Trial Counsel, and Sentenced by Conviction under UNCONSTITUTIONAL INDICTMENTS. Once again "white Americans" oppress the Rights of MEN OF COLOR from accessing CONSTITUTIONAL GUARANTEE OF THE FIFTH AMENDMENT, AND while being Active members of "whites only" clubs. American history repeats itself calling Slavery by another name "Indictments" and "Warrants" to Imprison Men OF COLOR making A profit for Rhode Island Correctional Officers, Police Departments, Legislatures, Court officers pension, retired Judges pension, ect.

The MEN OF COLOR in Rhode Island Superior and Supreme Court are the targets that these All "Whites only" Masonic religion want to oppress to re-create "Slavery" by another name just like Alabama in 1900's. Same members of the same masonic club that burned down churches, bombed homes with children inside, now their Prosecutors, Judges, Public defender Directors, Governors, State Representatives, State Senators, Congress, and U.S. Senators.

Allowing men of color to be Sentenced, convicted, Indictments, and Arrest on warrants with NO REAL EVIDENCE for probable cause, hold these men of color to A LEGAL PRACTICING LAWYER standard. Haines vs Kerner

It's ridiculous for the Federal United States District Court to Dismiss over 100's of Constitutional Claims holding State or Federal prisoners to LAW PROFESSOR standards without knowledge (Practice)

At Pre-Trial, and Trial stages NO ONE IS MORE LEGALLY IMPAIRED THEN THE MAN OF COLOR just like Court officers take advantage of that fact. They specifically cannot treat the Grand Jury on Trial. Juror with that same Advantage, since not many white defense Attorneys challenge Indictments it's A joint "membership" effort. The FATERNA Order is to deprive those of COLOR from Union paying jobs that gross \$100,000 or more with least education (Lawsuit against Rhode Island Correctional Department) City of Providence racial discrimination. To keep them from exercising the Preamble to the Constitution, Declaration of Independance, and U.S. Constitutional Guarantees of All Americans, Integration Racially.

True Terrorist are in Masonic Lodges, Governmental offices, and Court houses and they have always been white. (Dictators)

Rhode Island Superior Court Procedures to not allow a collateral Attack against A Unconstitutional Indictment it's discriminatory to target MEN OF COLOR who lack college education or deprive them of Relief.

# RACIAL BIAS PROSECUTION

NO Common Sense Court in America's Jurisdiction can tell A Imprisoned class member held for A capital offense that full disclosure of their DNA Results Negating his guilt. Reasonably would have not change the outcome of GRAND JURORS or TRIAL JURORS Decision. That would Ridicule the Heart of Innocence Protection Clause or Reasonable Doubt and Ninth Amendment Protection of Certain Guaranteed Rights.

THAT exactly Supreme and Superior Courts Attitude to allow suppression of vital DNA evidence in stages of pretrial, Trial, and Appellate to deprive men of color of Reasonable doubt of ever committing the crime.

Prosecutor knows testimony can be impeached with disclosure of evidence presented to A relevant and questionable Juror (Investigative Power). Sixth Amendment right to Confront Accuser & have favorable witnesses in favor of defendant is violated when class member received A late Exculpatory vital DNA results.

Percentage Rate of COLLEGE Graduates for men of color are why they are targeted Neighborhoods that Court appointed & Prosecutors thrive off As victims of A old bias system called "Indictments". These men (class members) are held to A standard Constitutionally As A seasoned Attorney before, during, and After TRIAL to combat the Attorney who "Acts" As his legal Defender. One must know Criminal Law, Study Criminal Law, Apply Criminal Law, Teach Criminal Law, File motions, learn judgements and have years of experience to be held fully responsible for Constitutionality of their Trial. (Idiotic justified expectation)

Rhode Island Justices college educated as Constitutional Law officers want the Community of color to Trust and believe that these class members understood everything About Constitutional Law in less time it took to complete their Law Degree's. Class members are held to that standard when Sentenced, Post-Conviction judgement (review) receiving late exculpatory evidence, waived objection, lack of mistrial motions, or any trial violations for Appellate Relief.

Rhode Island Courts are segregating U.S. Federal Rights with approval from state lawmakers to Judicial Officers while all being members (sisters/brothers) of a "whites only" Lodge, club, Lounge, Association, ect. In the Southern States of American history Agroup firmly, proudly, and promoted openly their Lodge membership while they burned homes, bombed churches, and killed innocent people terrorizing those of color. UNCONSTITUTION STATE LAW cannot force preformance because it has NO LEGAL POWER to demand obedience, Two CLASS Members #1 & #2 have construed A ACTION to ensure fairness is Protected.

CONCLUSION

SUPERIOR COURT pay proposed settle in the Motion Filed to the Court and create a court rule, and procedure to combat by review A Invalid Indictment or Unfair TRIAL. This must be determined by A TRIAL Jury upon being disclosed to all the evidence in the Class Action in VIA Evidence by documents.

Class member #1

Hasim Mwhir (PROSE)

Hasim Mwhir

P.O. BOX 8273

CRANSTON, RHODE ISLAND 02910

National Citizen of Republic

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FLESH AND BLOOD MAN WITH A SOUL

CREATED BY GOD

Class member #2

Gregory Hampton-Boyd (PROSE)

Gregory Hampton-Boyd

P.O. BOX 8273

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CERTIFICATION

I hereby certify that I have delivered to Rhode Island Superior Court Corps.  
250 Benefit Street Providence, RI 02903 and U.S. District Court of First Circuit of RI  
Exchange Terrace Providence, RI 02903; also Rhode Island Attorney General Department  
150 South Street Providence, RI 02903. (142)